

# Order

Michigan Supreme Court  
Lansing, Michigan

June 23, 2009

Marilyn Kelly,  
Chief Justice

138197 & (20)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 138197  
COA: 287972  
Bay CC: 99-001541-FH

LEE HENRY BERRY,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the November 18, 2008 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. The denial is without prejudice to the defendant filing a delayed application for leave to appeal in the Court of Appeals from the Bay Circuit Court's August 26, 2008 order denying relief from judgment under MCR Subchapter 6.500. See MCR 6.509(A); MCR 7.205(F)(3). The motion for resentencing is DENIED.



d0615

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 23, 2009

*Corbin R. Davis*

Clerk